IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.868 of 2007

Iqbal N Polishwala & ors. .. Petitioners.
Vs
Mr Gulam Abbas Ali Badshah, .. Respondent.

Mr A.A.Garge, for the petitioners.

CORAM : **D.B.BHOSALE,J.**
DATE : 08/02/2007
PC:

1. Heard the learned counsel for the petitioners.

2. This writ petition under Article 227 of the Constitution of India is directed against the concurrent judgments of the courts below by which the suit filed by the respondent-plaintiff for eviction of the petitioners on the ground of bonafide requirement and nonuser of the premises, has been decreed. I perused the judgment and in particular paragraphs 5 to 9 in the appeal court judgment wherein the learned Judge has considered the evidence and having regard thereto has recorded a categoric finding that the requirement of the suit premises is bonafide in the light of the judgment of this court in Balwant Doshi Vs. Shantaben Shah, 2002 (4) Mh.L.J.473. Even the findings on other issues also do not deserve interference by this court. Having considered the concurrent findings recorded by the

courts below and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under Article 227 of the Constitution of India to disturb the findings of fact, this writ petition fails and dismissed as such.

3. The petitioners are directed to vacate the suit premises within three months from today subject to filing of an usual undertaking in this court within a period of four weeks from today, failing which the respondent shall have liberty to execute the decree.

(D.B.BHOSALE,J.)